

## **REMARKS**

Claims 1, 7 and 12 have been amended to better define the present invention over the cited references, new claims 18-20 more clearly define the embodiment of Fig. 1, new claims 21-23 address the embodiment of Fig. 5, and new claims 24-26 address the embodiment of Fig. 6.

Claim 7 stands rejected under § 102 on the basis of Dobson GB '959. Applicant traverses this rejection because Dobson does not disclose (or suggest) the fixing elastic band of the present invention.

The examiner argues that the open cell foam 6 in Dobson corresponds to the elastic fixing band of the present claims. This is an unreasonably broad interpretation, as the open cell foam in the reference is not elastic. Moreover, the open cell foam would not secure a sound absorbing member on the inner surface of the tread, as in the present invention. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 7 stands rejected under § 102 on the basis of Yukawa EP '025. Applicant also traverses this rejection because Yukawa does not disclose (or suggest) the elastic fixing band of the present invention.

The examiner asserts that the adhesive layer of Yukawa satisfies the claim requirement of an elastic fixing band in the present invention, but an adhesive layer is not an elastic fixing band, and the examiner's interpretation is unreasonable in this regard. Moreover, an adhesive layer does not use elastic force, as does the elastic band of the present invention. Thus, the adhesive layer of Yukawa does not have the structure of the elastic


fixing band, and it does not perform the function performed by the elastic fixing band. Accordingly, withdrawal of this rejection is also requested.

The remaining rejections are traversed for the reasons just given. Withdrawal is requested.

For the foregoing reasons, applicant believes that this case is in condition for allowance, which is respectfully requested. The examiner should call applicant's attorney if an interview would expedite prosecution.

Respectfully submitted,

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